IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24963 of 2004

Between:

T. Purnamma, W/o T. Nagayya,
R/o Rukminipuram Village and Post, Machavaram Mandal,

Narasaraopet Division,
Guntur District.

..... PETITIONER

AND

1 The Joint Collector, Guntur , Guntur District.
2 The Revenue Divisional Officer, Narasaraopet,

Guntur District.
3 The Mandal Revenue Officer, Machavaram Mandal,

Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the under of the 1st respondent herein in Appeal Case No. 57/2004 dt. 11-11-2004 filed by the petitioner pending without finalisation before the 1st respondent and proceedings of the 2nd respondent Rc.No. 2055/2004-B, dt. 6-11-2004 susending the licence of the petitioner as illegal, void, arbitrary, unjust and consequently direct the respondents to continue the petitioner as Fair Price Shop Dealer of Rukminipuram village, Machavaram Mandal, Guntur District, pending disposal of the appeal of the petitioner before the 1st respondent.

Counsel for the Petitioner: MR A.SAMIR KUMAR REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The petitioner was appointed as a Fair Price Shop Dealer in the year 1999 for Rukminipalem Village, Machavaram Mandal, Guntur District. Earlier her husband was functioning as Dealer for the same shop since 1985 and he died in December, 1999. The petitioner states that there were never any complaints against her husband or herself for all these years. The 2nd respondent suspended her authorization through order, dated 06.11.2004 on the allegation that the petitioner failed to produce adequate number of coupons for the rice and kerosene distributed by her. The petitioner preferred an appeal against the order of suspension before the 1st respondent on 06.11.2004. She also filed an application for grant of stay. It is represented that no orders have been passed by the 1st respondent so far either in the appeal or in the stay petition and she seeks appropriate relief from this Court.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The petitioner availed the remedy of appeal soon after she was served with the order of suspension. She also filed an application for stay. By its very nature, an application for stay is required to be considered without much loss of time. If such applications are kept pending for months together, the very purpose of filing of appeal may be defeated. This Court is of the view that the 1st respondent ought to have considered and passed appropriate orders in the application for stay.

The petitioner and her family were depending upon the Fair Price Shop almost for the past two decades. It is stated that no complaints were made against the petitioner or her husband. The 3rd respondent caused a surprised inspection on 27.10.2004. The petitioner was not given an opportunity to explain about any discrepancies. On the basis of the observations made on the spot the authorization was suspended. The main allegation against the petitioner is that she did not furnish

the coupons for the entire distributed quantity. There is no reference as to whether any spot explanation was sought from the petitioner. The whole process has taken place on the strength of a unilateral observation. Suspension beyond a particular time may tend to become a penalty. It is stated that the 1st respondent has not issued any show cause notice as yet.

Under these circumstances, the writ petition is disposed of, directing that the order of suspension, dated 06.11.2004 shall remain stayed, pending disposal of the appeal by the 1st respondent and the petitioner shall be entitled to function as Fair Price Shop Dealer. There shall no order as to costs.

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31.12.2004

Note: Issue C.C. by tomorrow.

(B/o)

Jsu

To

1 The Joint Collector, Guntur , Guntur District.
2 The Revenue Divisional Officer, Narasaraopet,

Guntur District.
3 The Mandal Revenue Officer, Machavaram Mandal,

Guntur District.

4 Two CCs to the G.P for Revenue, High Court Buildings,

Hyderabad(O.U.T).

5 2CD copies.